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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,879	03/27/2000	JOHN J. HASWELL	AND1P550	3371

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 11/03/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,879

Applicant(s)

HASWELL ET AL.

Examiner

Michael C Maskulinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Office Action

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 19, 20, 22-25, 27, 28, 29, 30, 32, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Halviatti et al., U.S. Patent 5,475,843, the Examiner maintains the rejection from the previous Office Action, paper no. 10, mailed June 18, 2003, the body of which can be found there.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 21, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halviatti et al., and further in view of Harel, U.S. Patent 6,064,381. The Examiner maintains the rejection from the previous Office Action, paper no. 10, mailed June 18, 2003, the body of which can be found there.

Response to Arguments

5. Applicant's arguments filed September 18, 2003 have been fully considered but they are not persuasive.
6. On pages 10-11, under the section (2) Halviatti does not Teach Receiving Words having Commonly Understood Meanings, the Applicant argues, "'High-level' does not mean that the commands have 'commonly understood meanings.' For example, Java is one of many 'high-level' computer languages that is made up of high-level commands.

While words such as PUBLIC, STATIC, VOID, and LONG do have meanings in the English language, their use in Java is not commonly understood.” The Examiner respectfully disagrees. The claim language of claims 19, 22, 24, 27, 29, and 32 states *a word having a commonly understood meaning*, however, the claim language of these claims does not state amongst whom the word has a commonly understood meaning. The *user* could be a person amongst a group of computer scientists who would know the meaning of PUBLIC or VOID or the user could be a layperson as the Applicant has stated. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, the Examiner would like to add that according to Webster’s Dictionary *a word is something that is said*¹.

7. On pages 12-13, under the section (3) Halviatti does not Teach Querying a Database for the Word having a Commonly Understood Meaning, the Applicant argues, “that using a parent’s unique ID concatenated with the GEM’s own ID is not ‘word having a commonly understood meaning’ as required by the claims and therefore, the cited reference does not teach ‘querying a database for the word, the database containing a plurality of words.’” The Examiner respectfully disagrees. As stated above in paragraph 6, a word is something that is said. Since a parent’s unique ID concatenated with the GEM’s own ID is something that can be read, it also can be said. Therefore it constitutes being a word. Further, as noted in paragraph 6 above, it is unclear as to who commonly understands the meaning of the word. The Applicant also

¹ Merriam Webster’s Collegiate Dictionary; Tenth Edition; Merriam-Webster, Inc.; 1999

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argues, "Furthermore, Halviatti teaches that what is retrieved from the database is 'expected results' (column 31, line 46). After the Gem is set up, a self-test is performed and the 'actual values may be compared to these expected values' (column 33, lines 17-18). Such expected results that are retrieved from the database are not 'one or more computer instructions which...causes the computer to perform a function that is related to the commonly understood meaning of the word'." The Examiner respectfully disagrees. In column 31, lines 40-42, Halviatti et al. disclose that a GEM encapsulates the behavior of irreducible user interface elements such as push buttons, checkboxes, listboxes, menu items, and the like. All of these elements require computer instructions.

8. On page 13, under the section (4) Halviatti does not Teach Retrieving from the Database an Instruction Set for the Word, the Applicant argues, "Using a database key that is not a word with a common meaning to retrieve from a database a set of property values that a widget should have when a self-test is performed is not 'retrieving the instruction set corresponding to the word from the database' where the word 'having a commonly understood meaning' is used as a key." The Examiner respectfully disagrees. In column 31, lines 40-55, Halviatti et al. disclose that a GEM encapsulates the behavior of irreducible user interface elements such as push buttons, checkboxes, listboxes, menu items, and the like. During construction time, the GEM loads its expected results from the Resource Database using, in an exemplary embodiment, a key consisting of its parent's unique id concatenated with its own id. The GEM binds itself to the actual UI element on the screen, which it represents, when requested to do so by its parent. At this point, the GEM can be instructed to run a self test ("SelfTest"

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method) on itself by simply comparing its expected attributes (loaded from the resource database) against its actual attributes (retrieved from the actual element on the screen which the GEM represents).

9. On pages 13-14, under the section (5) Halviatti does not Teach Using the Instruction Set to Perform the Function meant by the Commonly Understood Word, the Applicant argues, "As discussed above, no word with a commonly understood meaning has been taught in the reference. Since such a word has not been taught there is also no teaching of querying a database for a word with a commonly understood meaning in order to retrieve the associated set of computer instructions that will cause the computer to perform the function explained by the meaning of the word. Since no commonly understood word exists in the reference, the cited invention cannot 'perform the function that is related to the commonly understood meaning of the word using the automated testing tool' as required by Applicant's claim." The Examiner respectfully disagrees. As established in the previous Office Action, paper no. 10, mailed June 18, 2003 and in the paragraphs above, the cited reference Halviatti et al. **does** teach a commonly understood word and Halviatti et al. teach of querying a database for a word with a commonly understood meaning in order to retrieve the associated set of computer instructions that will cause the computer to perform the function explained by the meaning of the word and performing the function that is related to the commonly understood meaning of the word using the automated testing tool as required by Applicant's claim.

10. On page 15, under the 35 U.S.C 103 Rejections, the Applicant argues, "There is no teaching or suggestion that Harel can be combined with Halviatti to provide each of the elements from the independent claims. Therefore, because the cited references alone or in combination fail to teach or suggest all of the Claim limitations." The Examiner respectfully disagrees. For at least the reasons above there is a teaching or suggestion that Harel can be combined with Halviatti to provide each of the elements from the independent claims.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MM


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